



**STAFF REPORT
ACTION REQUIRED**

Appeal of the denial of a Boulevard Café – 409 College Street

Date:	June 11, 2007
To:	Toronto and East York Community Council
From:	Richard Mucha, Manager, Municipal Licensing & Standards, Licensing Services
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	

SUMMARY

This staff report is a about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision.

To report the results of a public poll and refusal to issue a permit by the Municipal Licensing and Standards, based on the results of the public poll conducted in the matter, of an application for a boulevard café licence at 409 College Street as requested by Councillor Vaughan. **(Appendix No.1)**

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council deny the application for a boulevard cafe licence at 409 College Street.

Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

An application for a boulevard café on the Lippincott Street flankage of 409 College Street was received on September 18, 2006 from Karen Viva-Haynes operating as Viva Tastings. The application submitted was seeking permission to establish a boulevard café on the Lippincott Street flankage for 35.52 m² which would accommodate approximately 31 patrons.

As the proposed boulevard café flanks a residential district, a public poll was conducted in accordance with the polling provisions of the City of Toronto Municipal Code Chapter 190 from which a negative response was received.

On May 22, 2007 a letter from Elections and Registry Services was sent to each ballot recipient advising of the refusal of the application for a boulevard café licence based on the negative outcome of the poll. **(Appendix No. 4)**

ISSUE BACKGROUND

This application meets the physical criteria for a boulevard café, as set out in Chapter 313, Section 313-36 of the former City of Toronto Municipal Code.

As the proposed café flanks a residential district, the former City of Toronto Municipal Code Chapter 313 requires a public poll of owners and tenants within 120 metres of the proposed café. If the majority of ballots cast are in favour of the application, the application is approved. If the majority of ballots cast are opposed to the application, the Commissioner must refuse the application. If there is a negative response, re-polling for the same purpose may not take place until two years have passed from the closing date of the previous poll.

A poll dated April 16, 2007 to May 15, 2007 was conducted by the City Clerks Office, Elections and Registry Services for Lippincott Street flankage, in English, Portuguese and Chinese between the premises from 36 to 70 and 27 – 31 Lippincott Street and 118 Oxford Street, 401 and 409 College Street, to determine neighbourhood support.

The results of the poll received from Elections and Registry Services indicate that the response to the poll did not meet the provisions of Municipal Code Chapter 190, Section 190-8A which states: that a poll will be considered valid when at least 25% of the ballots mailed have been returned. This poll did not meet the benchmark and therefore is invalid. **(Attachment No.2)**

COMMENTS

As the results of the poll did not meet the polling benchmark, this application is not in compliance with the provision of the former City of Toronto, Municipal Code Chapter 313, therefore a permit cannot be issued.

In addition no further application can be accepted until May 16, 2009.

CONTACT

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SIGNATURE

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Municipal Licensing and Standards

List of Attachments

- Attachment No. 1 - Request from Councillor Vaughan
- Attachment No. 2 - Polling results
- Attachment No. 3 - Sketch of proposed boulevard café area
- Attachment No. 4 - Notification to ballot recipients of negative response
from City Clerks Office, Elections and Registry Services